UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENIGMA SOFTWARE GROUP USA, LLC,

                    Plaintiff,

        -v-

BLEEPING COMPUTER LLC et al.,

                    Defendants.

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16 Civ. 57 (PAE)

ORDER OF
DISCONTINUANCE

PAUL A. ENGELMAYER, District Judge:

The Court having been advised by the parties that all claims asserted herein have been

settled in principle, Dkt. 70, it is ORDERED that the above-entitled action is hereby dismissed

and discontinued without costs, and without prejudice to the right to reopen the action within 30

days of the date of this Order if the settlement is not consummated. (The parties are, however,

directed to maintain availability to attend the conference scheduled for March 24, 2017. In the

event that settlement is not consummated within the 14-day period that the parties say is

necessary to finalize the settlement, and the parties notify the Court that settlement has not been

accomplished, the Court would then re-open the case and would expect to use that conference as

a pre-motion conference in anticipation of any summary judgment motion.)

To be clear, any application to reopen must be filed within 30 days of this Order; any

application to reopen filed thereafter may be denied solely on that basis. Further, if the parties

wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement,

they must submit the settlement agreement to the Court within the same thirty-day period to be

"so ordered" by the Court. Per Paragraph 4(C) of the Court's Individual Rules and Practices for

Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Paul A. Engelmayer
United States District Judge

Dated: February 3, 2017
       New York, New York